

Zoning Text Amendment No.: 16-17
Concerning: Height Encroachments –
Townhouses
Draft No. & Date: 1 – 10/12/16
Introduced: November 29, 2016
Public Hearing:
Adopted:
Effective:
Ordinance No.:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Councilmember Elrich

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- revise the allowable height encroachments for townhouses; and
- generally amend the provisions for height encroachments.

By amending the following sections of the Montgomery County Zoning Ordinance,
Chapter 59 of the Montgomery County Code:

Division 4.1. “Rules for All Zones”
Section 4.1.7. “Measurement and Exceptions”

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*
Underlining indicates text that is added to existing law by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. DIVISION 59-4.1 is amended as follows:

Division 4.1. Rules for All Zones

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Section 4.1.7. Measurement and Exceptions

* * *

C. Height

* * *

3. Height Encroachments

Any height encroachment not specifically listed is prohibited.

- a. The following roof structures may occupy a maximum of 25% of the roof area: a spire, belfry, cupola, dome not intended for human occupancy, chimney, flue or vent stack, flagpole, monument, water tank, television antenna or aerial, air conditioning unit, or similar structure or mechanical appurtenance (not including a rooftop renewable energy system). A larger area may be approved by the Planning Board under optional method development in the Commercial/Residential and Employment zones.
- b. The maximum height does not apply to solar panels and any roof structure listed in Section 4.1.7.C.3.a, except that in the TLD, TMD, THD, and R-30 zones, an air conditioning unit or similar structure or mechanical appurtenance may exceed the established height limit by a maximum of 8 feet.
- c. In the CRT, CR, Employment, and Industrial zones, except on a townhouse or on any structure located within an airport approach area, the following may exceed the established height

limit by up to 8 feet[, except when located within an airport approach area]:

- i. rooftop deck, patio, shade structure;
- ii. rooftop garden, landscaping;
- iii. parapet wall; and
- iv. [rooftop rainwater collection or harvesting system; and
- v.] rooftop renewable energy system, such as a [solar panel or] wind turbine.

d. An accessory structure located on the roof must not be used for any purpose other than a use incidental to the principal use of the building.

e. A public building may be a maximum of 120 feet; but the minimum front, rear, and side setbacks must be increased 1 foot for each foot above the maximum height allowed in the zone.

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Sec. 2. Effective date. This ordinance becomes effective 20 days after the date of Council adoption.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council